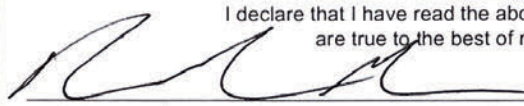


UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

| DO NOT WRITE IN THIS SPACE | |
|----------------------------|-------------------------|
| Case 09-CB-312730 | Date Filed 2-17-2023 |

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

| 1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT | | | |
|--|--|---|---------------------------------------|
| a. Name Trader Joe's United | | b. Union Representative to contact Seth Goldstein - Union Attorney sgoldstein@workingpeopleslaw.com | |
| c. Address (Street, city, state, and ZIP code) Unknown | | d. Tel. No. Unknown | e. Cell No. 646-460-1309 |
| | | f. Fax. No. | |
| | | g. e-mail Bargaining@traderjoesunited.org | |
| h. The above-named labor organization has engaged in and is engaging in unfair labor practices within the meaning of section 8(b) and (list subsections) (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. | | | |
| 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Beginning on January 31, 2023 and continuing to date, Trader Joe's United has violated Section 8(b)(3) of the Act by requiring Trader Joe's to bargain for a Louisville, Kentucky bargaining unit, although Trader Joe's United does not represent employees at the Louisville store and the NLRB has ordered a hearing on Trader Joe's objections. | | | |
| 3. Name of Employer Trader Joe's East Inc. | | 4a. Tel. No. | b. Cell No. |
| | | d. e-mail | c. Fax No. |
| 5. Location of plant involved (street, city, state and ZIP code) Store 628 - 4600 Shelbyville Road, Suite 111, Louisville, KY 40207 | | 6. Employer representative to contact Rick Marks | |
| 7. Type of establishment (factory, mine, wholesaler, etc.) Retail - Grocery | 8. Identify principal product or service | | 9. Number of workers employed ~120 |
| 10. Full name of party filing charge Trader Joe's East Inc. | | | |
| 11. Address of party filing charge (street, city, state and ZIP code) 1111 Pennsylvania Ave NW, Washington DC 20004 | | 11a. Tel. No. | b. Cell No. |
| | | d. e-mail rick.marks@morganlewis.com | c. Fax No. |
| 12. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (signature of representative or person making charge) Rick Marks, Counsel for Trader Joe's East Inc. (Print/type name and title or office, if any) | | | Tel. No. |
| | | | Cell No. |
| | | | Fax No. |
| | | | e-mail rick.marks@morganlewis.com |
| Address 1111 Pennsylvania Ave NW, Washington DC 20004 | | Date 2/17/2023 | |

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 9
550 MAIN ST
RM 3-111
CINCINNATI, OH 45202-3271

Agency Website: www.nlr.gov
Telephone: (513)684-3686
Fax: (513)684-3946



Download
NLRB
Mobile App

February 23, 2023

(b) (6), (b) (7)(C)

Trader Joe's East, Inc.
4600 Shelbyville Road, Suite 111
Louisville, KY 40207

Re: TRADER JOE'S UNITED
(Trader Joes East Inc.)
Case 09-CB-312730

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on February 17, 2023 has been docketed as case number 09-CB-312730. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JODI A. SUBER whose telephone number is (513)684-3656. If this Board agent is not available, you may contact Supervisory Attorney NAIMA R. CLARKE whose telephone number is (513)684-3647.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

February 23, 2023

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.


Controlled Unclassified Information (CUI): This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

* * *

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



Patricia K. Nachand
Acting Regional Director

Enclosure:

1. Copy of Charge
2. Commerce Questionnaire
3. Notice of Federal Mediation and Conciliation Services for Bad Faith Bargaining Allegations

cc: Rick Marks, Attorney
Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Avenue NW
Washington, DC 20004-2541

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

| | |
|-----------|-----------------------------|
| CASE NAME | CASE NUMBER 09-CB-312730 |
|-----------|-----------------------------|

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

| | |
|--|--|
| A. STATE OF INCORPORATION OR FORMATION | B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES |
|--|--|

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:

7B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES _____)

| | YES | NO |
|---|-----|----|
| A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____ | | |
| B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____ | | |
| C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____ | | |
| D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____ | | |
| E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____ | | |
| F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____ | | |
| G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____ | | |
| H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount. | | |
| I. Did you begin operations within the last 12 months? If yes, specify date: _____ | | |

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

| | | | |
|------|-------|----------------|-------------|
| NAME | TITLE | E-MAIL ADDRESS | TEL. NUMBER |
|------|-------|----------------|-------------|

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

| | | | |
|--------------------------------|-----------|----------------|------|
| NAME AND TITLE (Type or Print) | SIGNATURE | E-MAIL ADDRESS | DATE |
|--------------------------------|-----------|----------------|------|

PRIVACY ACT STATEMENT

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NOTICE OF FEDERAL MEDIATION AND CONCILIATION SERVICES FOR BAD FAITH BARGAINING ALLEGATIONS

Under the National Labor Relations Act, both the employer and union have a number of obligations under the law, including the duty to bargain in good faith.

We encourage you to take advantage of the following resources from the Federal Mediation and Conciliation Service (FMCS) (www.fmcs.gov). FMCS is a non-regulatory, independent federal agency, separate from the National Labor Relations Board (NLRB), whose mission is to preserve and promote labor-management peace and cooperation. FMCS services include:

- Mediation, if you need assistance and support with your contract negotiations (available at <https://www.fmcs.gov/services/resolving-labor-management-disputes/collectivebargaining-mediation/>);
- Skills development training for collective-bargaining negotiation, committee effectiveness, and conflict resolution (available at <https://www.fmcs.gov/services/education-andoutreach/skills-development-training/>);
- Education on contract administration (available at <https://www.fmcs.gov/services/buildinglabor-management-relationships/>).

Education on contract administration (available at FMCS is a Congressionally funded agency offering support to both unions and employers at workplaces and these FMCS services and resources are provided **at no cost**. FMCS services are customized to the specific needs of employer and union leadership groups and FMCS is available to assist with next steps and/or answer questions that come up throughout a collective-bargaining agreement negotiation process, as well as for future stages of a labor-management relationship.).

For more information on the full range of FMCS services and how these services can be helpful throughout various stages of the collective bargaining process, see OM 22-08. To discuss the specific needs of your group, please reach out to an FMCS mediator (<https://www.fmcs.gov/aboutus/locations/find-a-mediator/>) or by phone at (202) 606-8100.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 9
550 MAIN ST
RM 3-111
CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov
Telephone: (513)684-3686
Fax: (513)684-3946



Download
NLRB
Mobile App

February 23, 2023

(b) (6), (b) (7)(C)

Trader Joe's United

(b) (6), (b) (7)(C)

Re: TRADER JOE'S UNITED
(Trader Joes East Inc.)
Case 09-CB-312730

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JODI A. SUBER whose telephone number is (513)684-3656. If this Board agent is not available, you may contact Supervisory Attorney NAIMA R. CLARKE whose telephone number is (513)684-3647.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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February 23, 2023

has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

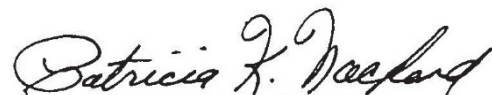
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* * *

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



Patricia K. Nachand
Acting Regional Director

Enclosures

1. Copy of Charge
2. Commerce Questionnaire
3. Notice of Federal Mediation and Conciliation Services for Bad Faith Bargaining Allegations

cc: Seth Lewis Goldstein, Attorney
Julien, Mirer & Singla, a Working
Peoples Law Center
1 Whitehall Street, 16th Floor
Manhattan, NY 10004

NOTICE OF FEDERAL MEDIATION AND CONCILIATION SERVICES FOR BAD FAITH BARGAINING ALLEGATIONS

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- Mediation, if you need assistance and support with your contract negotiations (available at <https://www.fmcs.gov/services/resolving-labor-management-disputes/collectivebargaining-mediation/>);
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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**TRADER JOE'S UNITED(TRADER JOES EAST
INC.)**

Charged Party

and

TRADER JOE'S EAST, INC.

Charging Party

Case 09-CB-312730

AFFIDAVIT OF SERVICE OF CHARGE AGAINST LABOR ORGANIZATION

I, the undersigned employee of the National Labor Relations Board, state under oath that on February 23, 2023, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

Trader Joe's United

(b) (6), (b) (7)(C)

Seth Lewis Goldstein, Attorney
Julien, Mirer & Singla, a Working Peoples
Law Center
1 Whitehall Street, 16th Floor
Manhattan, NY 10004

February 23, 2023

Date

Yolonda L. Craig, Designated Agent of NLRB

Name

/s/ Yolonda L. Craig

Signature